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ABSTRACT

Designed for middle school through high school students, this unit contains eight lesson plans that focus on Minnesota state law. The state lessons correspond to lessons in the volume, "Antidote: Civic Responsibility. Drug Avoidance Lessons for Middle School & High School Students." Developed to be presented by educators, law student, or attorneys, the state lessons are interactive and sequential, although individual lessons can stand alone. The document includes legal information about driving while intoxicated, drug offenses, sentencing, and drug and alcohol statutes written specifically to combat juvenile abuse. (RJC)

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ED 382 533

Antidote: Civic Responsibility

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Lesson 1

1. **Has Aimee violated any State laws? Have her parents?**

   Aimee hasn't broken any laws, because there is no law which makes a minor liable for unintentionally dangerous acts toward another minor. Depending on the circumstances, however, her parents may be guilty of child neglect or child endangerment under Minn. Stat. Ann. § 609.378 (West 1993), which defines neglect as willfully depriving a child of "necessary food, clothing, shelter, health care, or supervision appropriate to the child's age, when the parent, guardian, or a caretaker is reasonably able to make the necessary provisions and the deprivation substantially harms or is likely to substantially harm the child's physical or emotional health..." and endangerment as "intentionally causing or permitting a child to be placed in a situation likely to substantially harm the child's physical or mental health or cause the child's death...." If the girls' parents habitually leave Aimee to care for Carrie for long periods, this statute may apply.

2. **Does State statute allow 17-year-old Tyrell to drink a glass of wine with his dinner without his parents' consent?**

   Tyrell may not drink the wine without his parents' consent. Under Minn. Stat. § 340A.503 (1992), "it is unlawful for any person under the age of 21 years to consume any alcoholic beverages." However, the statute explains that it is an affirmative defense to such a violation if "the defendant consumed the alcoholic beverage in the household of the defendant's parent or guardian and with the consent of the parent or guardian."

3. **Is Maria violating any law when she tells her roommates whom to call to buy marijuana?**

   Under Minn. Stat. § 152.027 (1992), "A person who unlawfully sells a small amount of marijuana for no remuneration, or who unlawfully possesses a small amount of marijuana is guilty of a petty misdemeanor punishable by a fine of up to $200 and participation in a drug education program...." There are no conspiracy charges for such offenses. Thus, if the amounts of marijuana involved are small and Maria is not further involved with the dealer, she has committed no crime. However, if Maria is cooperating with a drug dealer to sell larger amounts of marijuana to others, she is participating in a drug conspiracy, which constitutes a felony under Minn. Stat. § 152.096 (1992). In such circumstances, she would also be violating federal law under 21 U.S.C.A. § 846 (West 1993), which prohibits any attempt or conspiracy to commit any violation of federal drug control statutes.

4. **Have Adam and Alex broken any laws other than those against drinking and fighting?**

The twins can be charged with disorderly conduct, a misdemeanor, under Minn. Stat. § 609.72 (West 1993). Depending on the circumstances of the fight, they may also be guilty of first-degree assault, defined under Minn. Stat. Ann. § 609.221 (West 1993) as assault which "inflicts great bodily harm"; third-degree assault, defined under Minn. Stat. § Ann. 609.223 (West 1993) as assault which "inflicts substantial bodily harm"; or fifth-degree assault, defined under Minn. Stat. Ann. § 609.224(2) (West 1993) as assault which "intentionally inflicts or attempts to inflict bodily harm upon another." More seriously, the twins may be charged under Minn. Stat. § 609.205(1) (1992) with second-degree manslaughter, which is defined as when a person causing the death of another "by the person's culpable negligence whereby the person creates an unreasonable risk, and consciously takes chances of causing death or great bodily harm to another." A person convicted of manslaughter in the second degree may be sentenced to imprisonment for not more than ten years or a payment of a fine of not more than $ 20,000, or both.

The twins cannot use their drunkenness as a defense against any charges brought against them. Under Minnesota law, "[a]n act committed while in a state of voluntary intoxication is not less criminal by reason thereof, but when a particular intent or other state of mind is a necessary element to constitute a particular crime, the fact of intoxication may be taken into consideration in determining such intent or state of mind." Minn. Stat. Ann. § 609.075 (West 1993). Thus, drunkenness might be considered to prevent the formation of intent to kill, an element of the crimes of first-degree murder and first-degree manslaughter.

5. **Has Jose violated any State law even though he is not drinking? Has Carlos or TJ violated any State law?**

If any of the three is drinking in the car, Jose, Carlos and TJ have all three violated some Minnesota statute by their behavior. Minnesota has an open bottle law which states: "No person shall drink or consume intoxicating liquors or 3.2 percent malt liquors in any motor vehicle when such vehicle is upon a public highway." The statue further provides that the possession of "any bottle or receptacle containing intoxicating liquor or 3.2 percent malt liquor which has been opened, or the seal broken, or the contents of which have been partially removed" is also prohibited, unless the container is in the trunk of the car. Finally, the statute specifically states that it is unlawful for the owner of the vehicle, or the driver if the owner is not present, to allow such consumption or behavior as prohibited by the code. Any violation of this statute constitutes a misdemeanor. Minn. Stat. § 169.122 (1992).

TJ is also violating Minn. Stat. § 340A.503(1) (1992), which prohibits the consumption of alcoholic beverages by anyone under age 21. Carlos has violated subdivision 2 of the same

statute, which states that "[i]t is unlawful for any person to sell, furnish, or give alcoholic beverages to a person under 21 years of age." Carlos may also be guilty under Minn. Stat. Ann. § 260.315 of contributing to the delinquency of a minor for procuring alcohol for a minor and for using Jose as a driver.

6. **Is Dr. Melrose committing any violation by prescribing painkillers without conducting an examination or determining need?**

Dr. Melrose is violating not only state but federal law. Physicians may only dispense controlled substances, such as painkillers, by prescription when "lawfully practicing the profession in this state." Minn. Stat. Ann. § 152.11 (West 1993). Prescribing controlled substances without examination is likely to be considered unprofessional conduct. Also, under federal law 21 U.S.C.A. § 829, a physician must have a legitimate medical purpose for dispensing drugs, and the act of dispensing or prescribing drugs should be within the usual course of professional practice. U.S. v. Varma, 691 F.2d 460 (1982); U.S. v. Jamieson, 605 F.Supp. 119 (1985).

Dr. Melrose's patients, if they do not provide to him a bona fide reason for needing the painkillers, may also be breaking the law. Federal law 21 U.S.C.A. § 843 prohibits knowingly or unknowingly acquiring possession of a controlled substance by misrepresentation, fraud, forgery, deception, or subterfuge.

7. **Is Danielle violating any law by taking only one or two pills from someone else's prescription?**

Danielle is violating several state and federal laws. Minn. Stat. § 609.52(2.(1)) (1992) defines theft as when a person "intentionally and without claim of right takes, uses, transfers, conceals or retains possession of property of another without the other's consent and with intent to deprive the owner permanently of possession of the property." For the theft of prescription drugs which are controlled substances, Danielle faces up to 10 years in prison or a $20,000 fine, or both, depending on the quantity and type of pills she is stealing. In addition, Danielle is violating Minn. Stat. § 152.025 (1991), which prohibits procuring or possessing a controlled substance by fraud, deceit, misrepresentation, or subterfuge. Sneaking the pills from the bottles is likely to constitute deceit or subterfuge. Danielle is also violating Minn. Stat. Ann. § 152.11 (West 1993), which limits dispensing controlled substances to doctors "lawfully practicing the profession in this state."

Danielle is also violating U.S. law under 21 U.S.C.A. § 843 (West 1993), which prohibits knowingly or unknowingly acquiring possession of a controlled substance by misrepresentation, fraud, forgery, deception, or subterfuge, and 21 U.S.C.A. § 844 (West 1993), which prohibits simple

possession of a controlled substance unless such substance was obtained by prescription. Again, the seriousness of her crime under these federal drug control codes will depend on the type of drug which she is taking from the customer's prescription and how she uses it.

8. **Is Renee breaking state law even though she is not selling the drugs herself?**

Even though she is not selling the drugs directly, Renee is violating several state and federal laws. Renee is violating Minn. Stat. Ann. § 152.11 (West 1993), which limits dispensing controlled substances to doctors "lawfully practicing the profession in this state." Renee is also guilty under Minn. Stat. § 152.022 (5) and (6) (1992) of a controlled substance crime in the second degree of unlawfully selling narcotic drugs to a person under the age of 18 and conspiring with or employing a person under the age of 18 to unlawfully sell the substance; also for selling narcotic drugs in a school zone, park zone, or a public housing zone. The penalty for such violations may be a prison sentence of up to 25 years or a fine of up to $500,000, or both. Depending on the type and quantity of drugs she has in her possession and is selling, she is also guilty of either a controlled substance crime in the first degree under Minn. Stat. § 152.021 (1992) or another count of controlled substance crime in the second degree under § 152.022. The penalty for a controlled substance crime in the first degree, which deals with relatively larger sales of cocaine, other narcotics and other controlled substances (e.g., over 10 grams of cocaine in a 90-day period), she could face up to 30 years in prison or a fine of up to $1,000,000, or both.

By involving her young daughter in drug trafficking, Renee is risking her child's life. Her actions constitute child endangerment, "intentionally causing or permitting a child to be placed in a situation likely to substantially harm the child's physical or mental health or cause the child's death, or knowingly causing or permitting the child to be present where any person is selling or possessing a controlled substance," under Minn. Stat. Ann. § 609.378 (West 1993). Accordingly, Renee risks losing custody of her daughter under Minn. Stat. Ann. § 260.165 (West 1993), which allows a child to be taken into immediate custody when a child is found in conditions which endanger the child's health or welfare. The state is likely to seek termination of Renee's parental rights on the grounds that her drug violations render her an unfit parent. Minn. Stat. Ann. § 260.221 (West 1993).

In addition, Renee is violating federal drug control statues such as 21 U.S.C.A. § 841 (West 1993), prohibiting possession of a controlled substance with the intent to manufacture, distribute or dispense such substance; 21 U.S.C.A. § 844 (West 1993), prohibiting simple possession of a controlled substance; and 21 U.S.C.A. § 861 (West 1993), which prohibits

the knowing and intentional use of any person under 18 years of age to violate any federal drug control provisions.

Renee could receive heavier sentencing under federal statutes. Under 21 U.S.C.A. § 859 (West 1993), the distribution of a controlled substance to a person under 21 years of age is subject to increased penalties. The United States expressed its concern with the importance of protecting children from drug trafficking under 21 U.S.C.A. § 860 (West 1993), which imposes heavier prison sentences in cases involving the distribution or manufacture of controlled substances in the proximity of schools, playgrounds, or youth centers. 18 U.S.C.A. App. 4 § 3B1.3 (West 1993) also provides for increased sentences in cases of abuse of position of trust, as in a drug trafficking defendant's involvement of her young daughter in the drug trade. U.S. v. Ledesma, 979 F.2d 816 (1992).

9. **Did Jim violate any law other than those regarding controlled substances?**

Jim and Andre are both obviously in violation of state and local drug control statutes. In addition, their possession of a hypodermic needle or syringe is illegal under Minn. Stat. Ann. § 151.40 (West 1993).

The issue of Jim's liability for transmitting the HIV virus to Andre via the shared needle is less clear. The Minnesota legislature has not yet dealt with this by statute, nor has the issue been tried in court. Under the Model Penal Code, however, such behavior could constitute simple or aggravated assault, Minn. Stat. Ann. §§ 609.221, 609.222, 609.223, 609.224 (West 1993), or the attempt thereof, or reckless endangerment; under certain extreme situations, it could be construed as murder. See Gene Schultz, AIDS: Public Health and the Criminal Law, 7 St. Louis U. Pub. L. Rev. 65 (1988); Roger N. Braden, AIDS: Dealing With the Plague, 19 N. Ky. L. Rev. 277 (1992). In some cases, it has been suggested that the HIV virus provides a deadly weapon. Minn. Stat. Ann. § 609.222. Cf. Brock v. State, 555 So.2d 285 (Ala. Crim. App. 1989).

Under Minnesota law, Andre is guilty of third-degree murder in Jim's overdose death for unlawfully delivering or administering a schedule I controlled substance. Minn. Stat. § 609.195 (1992); State v. Carithers, Minn. App.1992, 484 N.W. 2d 435, review granted.

10. **Has the bartender or the owner at Bulldog's Bar and Grill violated any law?**

The bartender and the owner of Bulldog's may both be liable for serving Su the drink, given her apparently intoxicated behavior. Minn. Stat. § 340A.502 (1992) provides that "[n]o

person may sell, give, furnish, or in any way procure for another alcoholic beverages for the use of an obviously intoxicated person." Under Minn. Stat. § 340A.501 (1992), "[e]very licensee is responsible for the conduct in the licensed establishment and any sale of alcoholic beverage by any employee authorized to sell alcoholic beverages in the establishment is the act of the licensee...."

Regarding civil liability, under Minnesota law a "spouse, child, parent, guardian, employer, or other person injured in person, property, or means of support" by an intoxicated person may bring suit against the person who caused the intoxication of that person by illegally selling alcoholic beverages. Minn. Stat. § 340A.801 (1992) (emphasis added). Thus, the bartender and owner may also be liable for damages in the event Su has an accident on the way home, whether she injures herself or others.

Lesson 2

CRIMINAL JUSTICE STATISTICS: DRUG AND ALCOHOL RELATED OFFENSES

UNIFORM CRIME REPORT DATA OF 1990--CRIME IN THE UNITED STATES

According to the Uniform Crime Report of 1990, 68% of the drug abuse violators were arrested for possession of heroin, cocaine or a narcotic derivative. A little over 31% of drug arrests were for the sale and manufacture of drugs.

Out of the 14,195,100 total number of arrests that occurred in 1990, drug abuse violations accounted for 1,089,500, driving under the influence comprised 1,810,800, and liquor law violations represented 714,700 of the total.

1981-1990 Ten Year Trend

Arrests for Drug Abuse Violations

In 1981, the total number of arrests for drug abusers under the age of 18 was 69,383. On the other hand in 1990, the total number was 50,435. This represents a 27.3% **decrease** in the number of arrests for persons under the age of 18. However, the number of arrests for persons over the age of 18 represent an 89.9% **increase** from 332,733 in 1981 to 631,932 in 1990.

Liquor Law Violations

For persons over the age of 18, the number of arrests for liquor law violations have dramatically **increased** to 61% from 218,079 in 1981 to 351,064 in 1990. However, the number of arrests for persons under the age of 18 has decreased to less than 0.4%.

♦ ♦ ♦

Criminal Victimization in the United States, 1990 A National Crime Victimization Survey Report, February, 1992

Percent Distribution of Victimizations by Perceived Drug or Alcohol Use by Offender:

- Of the **130,260** total rapes reported by victims to police, **49.8%** were believed to be committed by someone under the influence of drugs or alcohol.
- Of a total of **1,149,710** reported robberies, **24.2%** involved an offender under the influence of drugs or alcohol.
- Of **1,600,760** aggravated assaults committed **40%** were committed by people under the influence of drugs.
- Of the **3,128,130** simple assaults reported, **32.9%** were perpetrated by someone perceived to be under the influence of drugs or alcohol.

Lesson 4

FEDERAL SCHEDULE (answers to handout 3)

DRUG	SCHEDULE
heroin	schedule 1
beer	not a scheduled drug
vodka	not a scheduled drug
nitrate	not a scheduled drug
amphetamines	schedule 3
caffeine	not a scheduled drug
marijuana	schedule 1
crack	schedule 2
scotch	not a scheduled drug
MSG	not a scheduled drug
cocaine	schedule 2
glue	not a scheduled drug

FEDERAL PENALTIES BY SCHEDULE FOR POSSESSION

SCHEDULE	MAX. PRISON	MAX. FINE	MAX. TOTAL
schedule 1	15 years	$25,000	15yrs + $25,000
schedule 2	15 years	$25,000	15yrs + $25,000
schedule 3	5 years	$15,000	5yrs + $15,000
schedule 4	3 years	$10,000	3yrs + $10,000
schedule 5	1 year	$ 5,000	1yr + $ 5,000
unscheduled drug	n/a	n/a	n/a

The penalty doubles if the defendant has a previous conviction for a schedule law violation.

In order for a drug to be a narcotic, it must be a derivative of opium. All narcotics contain opium or opium derivatives, ie: heroin.

Malt beverages such as beer are not included in the scheduling process. They are controlled by liquor laws.

Information from 21 U.S.C.A. § 841 (West 1981).

States	Heroin	Cocaine	Crack	Marijuana	Amphetamine
Alabama	sch 1	sch 2	sch 2	sch 1	sch 3
Alaska	sch 1A	sch 2A	sch 2A	sch 3A	sch 4A
Arizona	sch 1	sch 2	sch 2	sch 1	sch 2
Arkansas	sch 1	sch 2	sch 2	sch 1	not listed
California	sch 1	sch 2	sch 2	sch 1	sch 2
Colorado	sch 1	sch 2	sch 2	sch 1	sch 2
Connecticut	sch 1	sch 2	sch 2	sch 1	sch 3
Delaware	sch 1	sch 2	sch 2	sch 1	sch 2
D.C.	sch 1	sch 2	sch 2	sch 2	sch 2
Florida	sch 1	sch 2	sch 2	sch 1	sch 2
Georgia	sch 1	sch 2	sch 2	sch 1[1]	sch 2
Hawaii	sch 1	sch 2	sch 2	sch 1	sch 2
Idaho	sch 1	sch 2	sch 2	sch 1	sch 2
Illinois	sch 1	sch 2	sch 2	listed under its act: the Cannabis Control Act, 56 1/2 §701 et seq	sch 2
Indiana	sch 1	sch 2	sch 2	sch 1	sch 2
Iowa	sch 1	sch 2	sch 2	sch 1	sch 2
Kansas	sch 1	sch 2	sch 2	sch 1	sch 1
Kentucky	sch 1	sch 2	sch 2	sch 1	sch 2
Louisiana	sch 1	sch 2	sch 2	sch 1	sch 2
Maine[2]	sch W	sch W	sch W	sch W & Z	sch W
Maryland	sch 1	sch 2	sch 2	sch 1	sch 1
Massachusetts[3]	class A	class B	class B	class D	class B
Michigan	sch 1	sch 2	sch 2	sch 1	sch 2
Minnesota	sch 1	sch 2	sch 2	sch 1	sch 2
Mississippi	sch 1	sch 2	sch 2	sch 1	sch 2
Missouri	sch 1	sch 2	sch 2	sch 1	sch 2
Montana	sch 1	sch 2	sch 2	sch 1	sch 2

[1] Must have more than 15% THC (tetrahydrocannobinol), the chemical in the cannabis plant.

[2] Maine schedules its drugs under an alphabetical category: W, X, Y & Z. The schedules are similar to other state categorizations.

[3] Massachusetts calls their schedules classes, but they are the same thing.

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States	Heroin	Cocaine	Crack	Marijuana	Amphetamine
Nebraska	sch 1	sch 2	sch 2	sch 1	sch 2
Nevada[4]	sch 1	sch 2	sch 2	sch 1	sch 3
New Hampshire	sch 1	sch 2	sch 2	sch 1	sch 3
New Jersey	sch 1	sch 2	sch 2	sch 1	sch 3
New Mexico	sch 1	sch 2	sch 2	sch 1 & 2	sch 2
New York	sch 1	sch 2	sch 2	sch 1	sch 2
North Carolina	sch 1	sch 2	sch 2	NC has a sixth schedule which incl. marijuana	sch 2
North Dakota	sch 1	sch 2	sch 2	sch 1	sch 2
Ohio	sch 1	sch 2	sch 2	sch 1	sch 2
Oklahoma	sch 1	sch 2	sch 2	sch 1	sch 2
Pennsylvania	sch 1	sch 2	sch 2	sch 1	sch 2
Puerto Rico	sch 1	sch 2	sch 2	sch 1	sch 3
Rhode Island	sch 1	sch 2	sch 2	sch 1	sch 2
South Carolina	sch 1	sch 2	sch 2	sch 1	sch 2
South Dakota	sch 1	sch 2	sch 2	sch 1	sch 2
Tennessee	sch 1	sch 2	sch 2	sch 2, but only for certified patients under the Controlled Substances Therapeutic Research Act	sch 2
Texas	sch 1	sch 2	sch 2	sch 1	sch 2
Utah	sch 1	sch 2	sch 2	sch 1	sch 2
Vermont	sch 1	sch 2	sch 2	sch 1	sch 3
Virginia	sch 1	sch 2	sch 2	not listed, but liquid marijuana or hashish oil is listed as sch 1	sch 2
Washington	sch 1	sch 2	sch 2	sch 1	sch 2
West Virginia	sch 1	sch 2	sch 2	sch 1	sch 2
Wisconsin	sch 1	sch 2	sch 2	sch 1	sch 2

[4] While Nevada does not specifically name drugs under its five schedules, but instead lists the specific tests to determine under which schedule a drug belongs § 453.2182 says that the state will use 21 USC as a guide for scheduling. The state merely reserves the right to reschedule any controlled substance as it sees fit according to the tests set out in 453.166, et. seq.

States	Heroin	Cocaine	Crack	Marijuana	Amphetamine
Wyoming	sch 1	sch 2	sch 2	sch 1	sch 2

Lesson 5

OFFENSE/SUBSTANCE	SENTENCE
First Offense: Cocaine - Possession With Intent To Distribute - 5 kg	• imprisonment for up to 30 years, and/or • fine up to $1,000,000
First Offense: Trace of Heroin - Possession of 1 kg or more of a mixture with a small, but detectable amount of heroin	• imprisonment for up to 30 years, and/or • fine up to $1,000,.000
First Offense: Codeine - Possession - 200 mg	• imprisonment for up to 5 years, and/or • fine up to $10,000
Second Offense: Marijuana - Possession - 50 kg	• imprisonment for 4 to 40 years, and/or • fine up to $500,000
Third Offense - Methamphetamine - Possession - 100 g	• imprisonment for 4 to 40 years, and/or • fine up to $500,000

Cite: Minn. Stat. § 152.022

Current Federal Penalties:

Group 1 and Group 2: . . . person shall be sentenced to prison which may not be less than 10 years or more than life and a fine not to exceed 4 million dollars.

Group 3: . . . person shall be sentenced to a term of imprisonment of not more than one year, a fine not exceed $250,000 in the case of an individual.

Group 4: . . . person shall be sentenced to a term of imprisonment of not more than 10 years, a fine not to exceed $500,000.

Group 5: . . . person shall be sentenced mandatory life imprisonment without release and fine not to exceed $8 million.

Cite: 21 U.S.C. § 841 (1992).

Lesson 6 & 7

1. **What does DWI stand for?**

Driving while intoxicated.

2. **What does DUI stand for?**

Driving under the influence. Under §169.121 it is unlawful for a person to drive under the influence of alcohol or when his/her blood alcohol concentration is 0.10 or more.

3. **In terms of penalties, is being convicted of DWI more serious than being convicted of DUI?**

Minnesota law does not distinguish between DWI and DUI.

4. **What are the penalties for being convicted of DWI? DUI?**

Violation of §169.121 (1) is a misdemeanor; the penalties are as follow:

CONVICTION	PUNISHMENT
first	• fine of not more than $100, and/or • imprisonment for not more than 30 days, and • license revoked for 30 days
second (within 5 years of 1st conviction or 2 or more times within 10 years of 1st conviction)	• minimum of 30 days in jail or 8 hours of community service for each day less than 30 days the person was ordered to serve in jail, and • license revoked for 180 days
third (two or more violations within 5 years of first conviction)	• at least 30 days in jail, and • license revoked for not less than 1 year
fourth	• license suspended for at least 2 years

5. **What is the penalty for refusing to submit to a breathalyzer test upon a police officer's reasonable request?**

Under §169.123 any person who drives on the roads of Minnesota consents to have a test taken to determine blood alcohol concentration. Under §169.121 refusal to take the test is a criminal act and an individual's license may be revoked for at least 90 days for first offense, and at least 1 year for second or subsequent offense.

6. **What must a person's blood alcohol content (BAC) be before he/she is legally intoxicated?**

A person's BAC must be 0.10 to be legally intoxicated in Minnesota.

7. **The legal limit for blood alcohol is lower for persons under the legal drinking age of 21. True or False?**

False. Minnesota law does not provide a lower BAC for persons under 21.

8. **An open container of alcohol can be in your car if you are 21 or over. True or False?**

False. Under §169.122 it is unlawful for any person to have an open container in his/her possession in public place or in vehicle.

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Lesson 9

Although the drinking age is 21 in all 50 states (meaning specifically that the sale of alcohol to minors is prohibited), the laws on teenage drinking vary from state to state. The laws vary in regard to whether they include prohibition of the purchase of alcohol, the attempt to purchase alcohol, the consumption of alcohol and the possession of alcohol. According to the **March 11, 1993 Safety Recommendation report of the National Transportation Safety Board,**

- Five states (DE, FL, MT, NH & NY) and the District of Columbia do not prohibit the purchase of alcohol by minors.
- West Virginia and the District of Columbia do not prohibit public possession of alcohol by minors.
- 23 states (AK, AR, DE, DC, FL, GA, RI, IL, IA, LA, ME, MD, MI, MS, MT, NV, NH, NY, SC, TX, UT, VT, VA) do not prohibit minors from attempting to purchase alcohol.
- 21 states (AR, CO, CT, FL, GA, HI, IA, KY, LA, MA, MS, MO, NE, NH, NM, NC, OR, SC, VT, WV, WY) do not prohibit alcohol consumption by minors.
- 16 states (AR, CA, CO, HI, KY, LA, ME, MI, NM, NY, NC, OK, SD, VA, WA, WY) do not prohibit minors from misrepresenting their age in order to purchase alcohol.
- 19 states (AL, AR, CO, DE, DC, IA, KS, LA, MD, MN, MT, NJ, OR, PA, SC, UT, VA, WA, WI) do not prohibit minors from presenting false ID to purchase alcohol.

In addition, most states do no prohibit minors from driving with alcohol in their blood unless their blood alcohol content reaches the adult legal limit, which is .10 percent in most states. Fifteen states, however, have amended their laws to lower for minors the permitted blood alcohol content while driving. These laws vary according to the age under which minors must be in order for the lower blood alcohol content to apply. Here is the layout for state laws on blood alcohol content for minors while driving:

0.00 BAC	0.01 BAC	0.02 BAC	0.04 BAC	0.05 BAC	0.06 BAC
AZ (<21)	NJ (<21)	ME (<21)	RI (<21)	CA (<18)	GA (<18)
NC (<19)		MD (<21)	NH (<21)	NM (<18)	
OR (<21)		OH (<18)			
UT (<21)		VT (<18)			
WI (<18)					

A number of states have tried to cut down on teenage driving accidents by implementing nighttime driving restrictions. The following states have some form of curfew for teenage driving:

ID: minors <16 can drive during the daytime only

IL: minors <17 cannot drive between 11pm-6am Mon-Thur and 12am-6am Fri-Sun

LA: minors <15 cannot drive between 11pm-6am Mon-Thur and 12am:6am Fri-Sun
MD: minors <16 cannot drive between 12am-5am
MA: minors <18 cannot drive between 1am-4am
NY: minors <18 cannot drive between 9pm-5am
PA: minors <18 cannot drive between 12am-5am
SD: minors <16 cannot drive between 8pm-6am.